

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: April 23, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 023-19 FOR 5/5/20 CLOSED-
SESSION AGENDA

Division	Date	Time	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Harbor	5/27/19	9:32 p.m.		
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Officer(s) Involved in Use of Force	Length of Service
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Vint, R./ PO II	7 years, 4 months
Chavez, K./PO II	6 years, 8 months
Blanco, J./PO II	6 years
Bryant, J./PO II	4 years, 6 months
Ivan, D./PO II	2 years, 2 months
Singh, J./ PO II	2 years, 2 months
Campos, D./PO II	2 years, 2 months
Portillo, C./PO II	1 year, 10 months

Total Involved Officer(s)

8 x PO II

Suspect	Deceased ()	Wounded (X)	Non-Hit ()
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Kenneth Alonso Rosales: Male Hispanic, 23 years of age.

COP Recommendations

Tactics – Tactical Debrief, Officers Blanco, Chavez, Bryant, Campos, Portillo, and Vint.
Administrative Disapproval, Officers Ivan and Singh.

Drawing/Exhibiting – In Policy, No Further Action, Officers Blanco, Chavez, Bryant, Campos, Ivan, Portillo, Singh, and Vint.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Bryant, Campos, Ivan, Portillo, Singh, and Vint.

Lethal Use of Force – In Policy, No Further Action, Officers Blanco and Chavez.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

Lethal Use Force – Same as COP.

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INVESTIGATION

Annotated Force Investigation Division (FID) Incident Summary¹

Synopsis: On Monday, May 27, 2019, officers assigned to Harbor Area responded to multiple radio calls of an ambulance shooting. As officers drove to the locations of the calls, Gang Enforcement Detail (GED) officers observed the suspect walking on the north sidewalk of 253rd Street armed with a rifle. The officers immediately stopped, exited their vehicle and ordered the suspect to drop the firearm. The suspect ignored the officers' commands, ran east and pointed the rifle at them, resulting in an officer-involved shooting (OIS). The suspect was struck once by the gunfire, but continued running and eventually discarded the rifle. The suspect continued north on Petroleum Avenue where responding officers caught up to him, became involved in a Non-Categorical Use of Force and took him into custody.

Investigative Summary

On Monday, May 27, 2019, at 2124:17 hours, Communications Division (CD) broadcast *"Harbor units, shooting just occurred 1071 West 254th Street, standby for additional, Incident No. 5621."* The call was assigned to Police Officers II Hernan Farias, Serial No. 43088, and Taylor Smith, Serial No. 41944, Unit No. 5A11.

At 2124:57 hours, CD made a second broadcast, *"Harbor units, your shooting just occurred at 1071 West 254th Street is now an ambulance shooting just occurred, possibly one victim down, standby for additional."*

At 2125:17 hours, uniformed Police Officers II Jorge Blanco, Serial No. 41341, (Driver) and Kevin Chavez, Serial No. 41195, Harbor Area GED, Unit No. 5G63, notified CD they were responding to the call Code 3 from the police station.² The officers were in a marked black and white Ford Crown Victoria Police Interceptor equipped with a Digital In-Car Video System (DICVS) and ballistic door panels, Shop No. 87047.

Officers Blanco and Chavez activated their BWV and discussed the comments of the call while en route to 1071 West 254th Street. The officers had worked together for

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Officer Blanco, six years with the Department, 33 years of age, five feet, five inches tall, 165 pounds. Officer Chavez, 6 years, 8 months with the Department, 29 years of age, five feet, six inches tall, 152 pounds. Both officers were wearing their ballistic vests and had their Department-issued handguns, handcuffs, a Hobble Restraint Devices, and Model X26P TASERS attached to their equipment belts. Both officers had Body Worn Video (BWV) cameras affixed to their chests. Officer Chavez was equipped with a canister of Oleoresin Capsicum (OC) spray, and an ASP baton attached to his belt. Officer Blanco was not equipped with OC spray and his side handle baton was available in the vehicle.

approximately one week and had been assigned to conduct crime suppression for the Varrio Harbor City Baby Locos “BLS” street gang. During that time, they had discussed tactics, contact and cover roles, foot pursuit containment versus apprehension modes and BLS gang information. Additionally, they had also discussed different scenarios such as uses of force incidents, along with their roles and responsibilities regarding less lethal options and radio communication.

As multiple calls for service were being generated by residents, the following Los Angeles Police Department (LAPD) uniformed personnel responded to the area:

Harbor Area GED:

- Sergeant I Jessie West, Serial No. 34310, Unit 5G60

Harbor Patrol Division:

- Sergeant I James Huett, Serial No. 34679, Unit 5L130;
- Sergeant I James Talmage, Serial No. 34671, Unit 5L50;
- Police Officers II Jonathan Bryant, Serial No. 41859, and Ryan Vint, Serial No. 40997, Unit 5A1;
- Police Officers II Christopher Munoz, Serial No. 43256, and Daniel Campos, Serial No. 42969, Unit 5A15;
- Police Officers II Jatinder Singh, Serial No. 42997, and Daniel Ivan, Serial No. 42981, Unit 5A85;
- Police Officers II Cristian Portillo, Serial No. 43185, and Mariko Jackson, Serial No. 43217, Unit 5A58;
- Police Officers II Maria Carlos, Serial No. 40758, and Derek Garcia, Serial No. 42063, Unit 5A17;
- Police Officers II Jesse Rodriguez, Serial No. 40926, and Kevin Morales, Serial No. 43425, Unit 5A12.

At 2125:37 hours, CD broadcast, *“Harbor units, shooting just occurred 1071 West 254th Street, 1071 West 254th Street, possibly coming from the parking lot area, unknown person that possibly shot a shotgun and people heard screaming children, Incident 5269, RD 503.”*

Witness Brandon Cabrera, 15 years old, reported that he was at his residence located at 1036 West 253rd Street and was getting into his older sister’s (Gisela Avila) vehicle when he heard gunshots coming from the east/west alley south of his residence. Approximately 40 to 50 seconds later, Cabrera observed a male Hispanic in the parking lot of his apartment complex armed with a rifle and blood on his clothes. This prompted Cabrera to call 911.

OIG Note No. 1: *Cabrera stated that he had gotten into the front passenger seat of his sister’s car, which was pulling out of the driveway as the Hispanic male carrying the rifle walked quickly past them. Cabrera*

*also said that the male was as close as 2 feet away from him as he passed, and that the male appeared to be cocking the rifle, which was black in color.*³

At 2129:07 hours, CD broadcast a fourth update, *"Harbor units, possible shooting just occurred 1036 West 253rd Street, 1036 West 253rd Street. Suspect is male Hispanic possibly mid-30s, bald wearing an orange, blue, and white stripe shirt, holding a rifle in his left hand, last seen walking out of the alley. Code 3, Incident 5654, RD 503."*

At 2131:41 hours, Officers Blanco and Chavez arrived in the area of 1071 West 254th Street.⁴ According to Officer Blanco they drove east past the address of the initial radio call and did not observe any evidence of a shooting. Based on Blanco's knowledge on how the gangs operate in the area, Officers Blanco and Chavez decided to check the last radio broadcast address of 1036 West 253rd Street, where the suspect was last seen armed with a rifle. Officer Blanco continued driving east on 254th Street and then turned north on Petroleum Avenue toward 253rd Street. As the officers neared 253rd Street, they visually checked the east/west alley between 253rd and 254th Street and observed a police unit patrolling the alley. Officers Blanco and Chavez continued driving and then negotiated a left turn on to westbound 253rd Street.

Officer Blanco stated, *"Let me go to 253rd because it's known for suspects to still be running. If they get dropped off from a vehicle, they do a shooting and then they run one or two blocks away, get back in the car, and flee the area. So I'm like, you know what, he might still be in the area, so I go to 253rd and initiate a westbound turn from Petroleum."*⁵

Note: Officers Blanco and Chavez did not place themselves at scene when they arrived in the area of 254th or 253rd Street (Investigators' Note No. 1).

At 2132:01 hours, Officer Blanco was driving their police vehicle west on 253rd Street looking for the suspect as described in the comments of the radio call.⁶

At 2132:16 hours, Officer Blanco's BWV depicts him observing a male Hispanic, later identified as Kenneth Rosales, armed with a rifle on the north sidewalk.⁷ Blanco described how Rosales was holding the rifle, *"He was holding it with two arms, port*

³ Witness Cabrera's statement, Page 12, Line 1 to Page 14, Line 14 and Page 15, Line 23 to Page 16, Line 22.

⁴ Gleaned from BWV and DICVS.

⁵ Officer Blanco's statement, Page 10, Lines 19-25.

⁶ Gleaned from Officer Blanco's BWV.

⁷ Kenneth Alonso Rosales, male Hispanic, 23 years old.

arms. Right hand right above the butt of the gun and his left hand on the barrel.”⁸ According to Officer Blanco, not only did Rosales have a rifle, but he matched the description provided by the radio calls. Rosales was initially walking and then transitioned to running east in their direction. Officer Blanco can be heard telling Officer Chavez, *“Watch it. Right there.”⁹* Officer Blanco stopped their police vehicle at a slight angle in the street and both officers immediately exited their respective doors. Their BWV footage depicts that by the time the officers exited their vehicle, Rosales was passing them.

At 2132:19 hours, as Officer Blanco is nearing the trunk of their vehicle he can be heard on BWV telling Rosales, *“Hey let me see your fucking hands.”* Officer Blanco is then heard telling Rosales, *“Drop it. Drop it.”* Rosales ignored these commands, continued running east and, according to Officer Blanco, raised the rifle in his direction.

At 2132:21 hours, BWV depicts Officer Blanco discharging his pistol in three volleys while moving west to east in the street. A total of eight rounds were fired in a northeasterly direction from an increasing distance of approximately 34 to 47 feet.

Officer Blanco stated, *“He [Rosales] kept ignoring our commands and kept moving eastbound on 253rd behind cover. He past our black and white. And as he’s passing our black and white, he’s looking in our direction, trying to acquire a target. He’s looking back, turning the gun towards our direction. And that’s when I’m telling him drop it.”¹⁰*

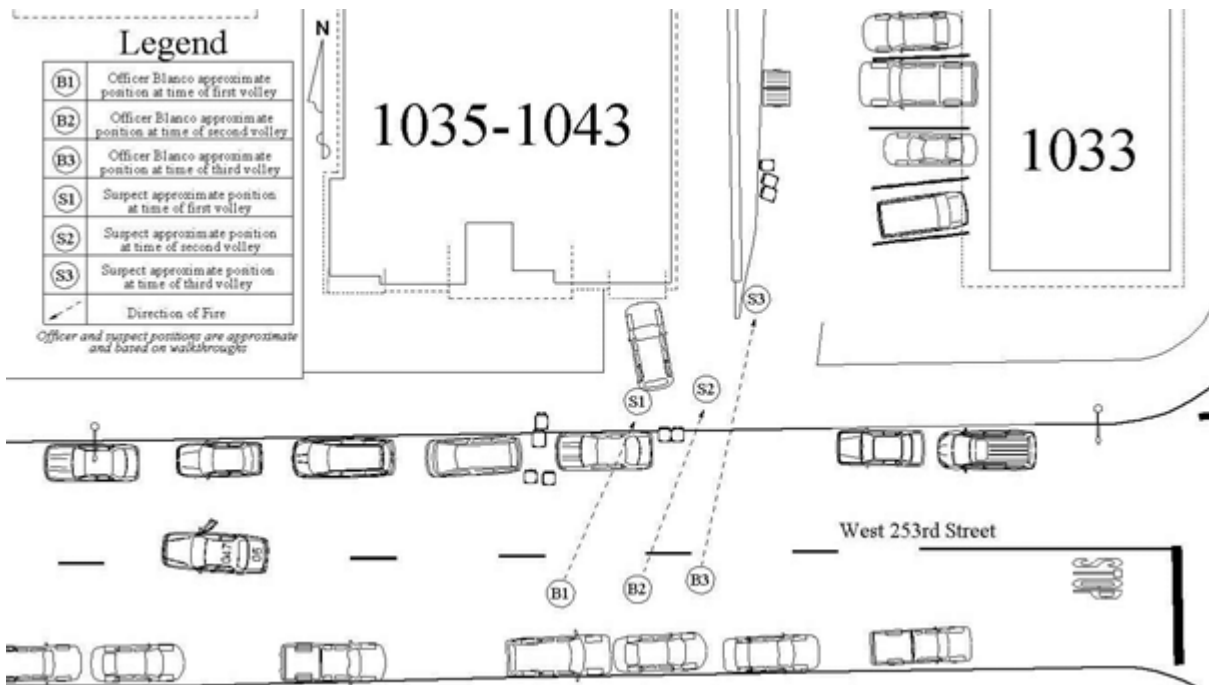
Officer Blanco continued, *“I start moving eastbound trying to parallel to try and gain a better position, because I don’t want to lose sight of him. And as I’m telling him to drop the gun, the suspect then points the rifle at me. And then that’s when the OIS occurred. And as the OIS is occurring, the suspect is still moving behind cover, so I lose sight a little bit of him. So, I keep moving eastbound with him as my partner is right, like a couple steps away from me moving eastbound as well. As we’re moving the suspect continues to point the gun at me and then he [Rosales] goes down as I’m shooting. The suspect manages to get back up and continues to point the gun in our direction, trying to acquire a target. And then he goes north through a parking lot that leads to an apartment parking lot right before 253rd and Petroleum.”¹¹*

⁸ Officer Blanco’s statement, Page 25, Lines 3-5, and Page 26, Lines 10-11.

⁹ Gleaned from Officer Blanco’s BWV.

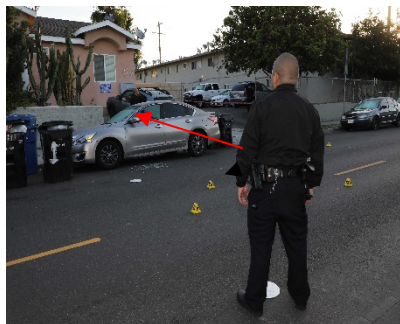
¹⁰ Officer Blanco’s statement, Page 27, Lines 7-8, 11-14, and 17-20.

¹¹ Officer Blanco’s statement, Page 13, Lines 1-18.

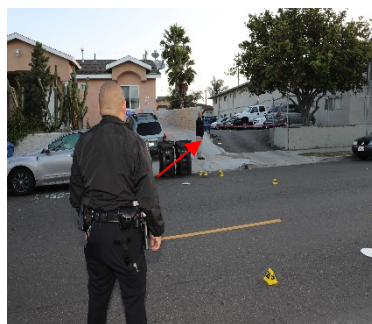


Note: Rosales' body movements with his rifle were not clearly captured on Officer Blanco's BWV. This was due to several factors, the low light conditions in the area, the "blurring" effect created by the fast movements of the officer and Rosales, in addition to Officer Blanco's flashlight shining into the lens of his BWV camera.

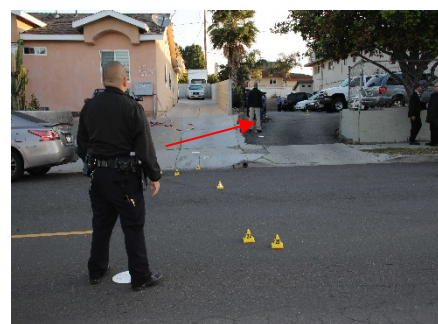
For this reason, the below photos have been included to depict the approximate locations of Officer Blanco and Suspect Rosales as determined during Officer Blanco's Walk-Through of the scene.



Blanco's First Volley



Blanco's Second Volley



Blanco's Third Volley

According to Officer Chavez, he and his partner observed Rosales walking east on the north sidewalk of 253rd Street armed with a rifle. Chavez stated, *"I could clearly see the rifle in his right hand. I saw him walking and I saw it cross his body. So he was holding it with I think a pistol grip."*¹²

¹² Officer Chavez' statement, Page 11, Line 5 and Lines 9-11.

At 2132:20 hours, Officer Chavez' BWV depicts him exiting the passenger door of their vehicle, unholstering his pistol and ordering Rosales to drop the firearm. Rosales ignored the officers' commands and ran east on the sidewalk.

At 2132:25 hours, Officer Chavez again ordered Rosales to, *"Drop it."* and then fired his pistol in three volleys while moving east on the roadway. As Rosales reached the north/south driveway of the apartment complex at 1033 253rd Street, he paused slightly as Chavez fired his weapon. Chavez stated, *"All I saw was a rifle and he was bringing the barrel of the rifle upwards and pointing it at me."*¹³

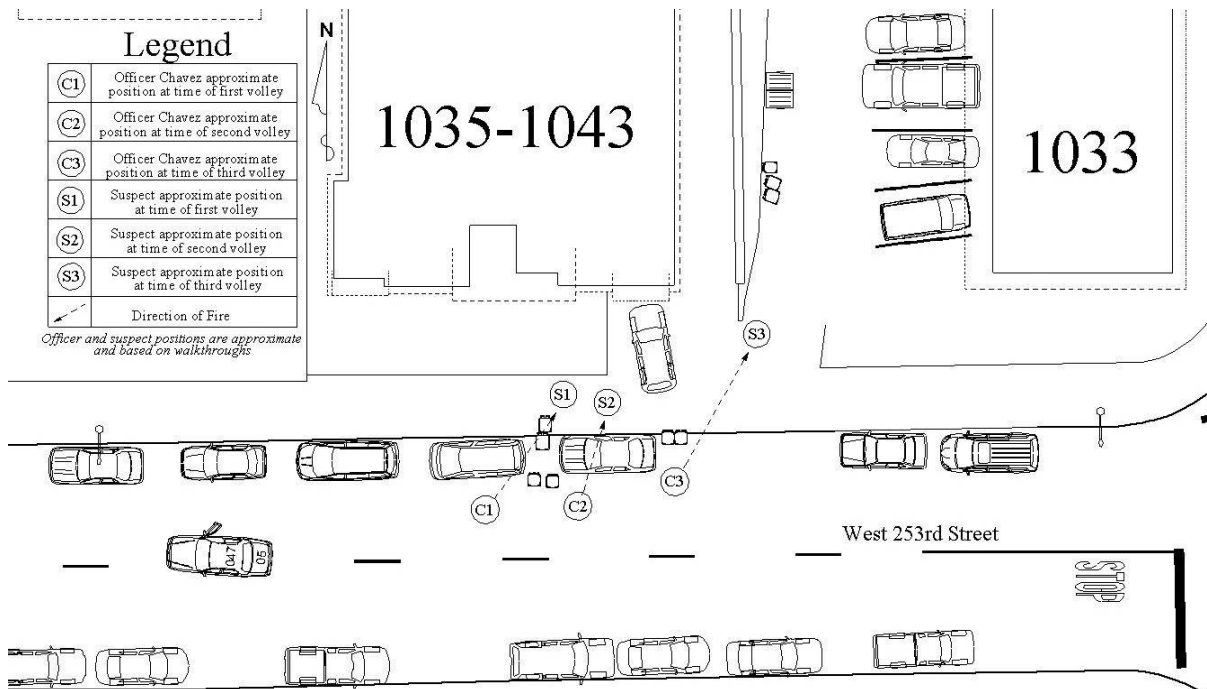
At 2132:29 hours, Officer Chavez' BWV depicts him firing an additional four rounds as he stood on the roadway of 253rd Street. Officer Chavez fired a total of 11 rounds in a northeasterly direction from an increasing distance of approximately 18 to 28 feet.

Officer Chavez stated, *"I immediately deploy out of the vehicle. I draw my firearm. I start giving commands. I tell him stop, drop the gun. At that point, he [Rosales] starts running. He continues running eastbound towards us on the sidewalk, but we're still on the street. And eventually, he passes us as he's running east, and we're still running east as well. And as he's going past us, he points the rifle at us. And at that point, I begin firing my weapon. And the whole time, the suspect is running eastbound and I'm running eastbound, we're telling him, 'Stop. Drop it. Stop, stop, stop.'" And he's ignoring our commands. He's continuing to run. Eventually, he gets to a driveway on the north side of 253 just west of Petroleum. He continues northbound through the driveway. At that point he looks in my direction and I see his barrel come up again. I fire a few more rounds from that position. At that point I was kind of like at the mouth of the driveway, on the street gutter area."*¹⁴

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¹³ Officer Chavez' statement, Page 17, Lines 20-23.

¹⁴ Officer Chavez' statement Page 7, Lines 12-25, and Page 8, Lines 1-9.



Note: Due to low light conditions in the area, Officer Chavez' BWV is dark. This makes it difficult to observe all the details of the incident and the movements of Suspect Rosales as described by Officer Chavez.

For this reason, the below photos have been included to depict the approximate locations of Officer Chavez and Suspect Rosales as determined during Officer Chavez' Walk-Through of the scene.



Chavez' First Volley



Chavez' Second Volley



Chavez' Third Volley

At 21:32:31 hours, Officers Blanco and Chavez' BWV depicts Rosales turn and run north into the parking lot of the apartment complex located at 1033 253rd Street. The investigation revealed that Rosales discarded the rifle he had been holding, over a chain link fence at the north end of the parking lot into the alley that runs east and west between 252nd and 253rd Streets. Officers Blanco and Chavez did not follow Rosales through the parking lot. Instead, they ran to the corner of Petroleum Avenue and

observed Rosales as he jumped over the fence at the northeast corner of the apartment complex and ran onto Petroleum Avenue.

Officer Blanco broadcast, *"5G63 shots fired. Shots fired. Officer Needs Help, Petroleum and 254."*

Suspect Rosales then ran to the east sidewalk of Petroleum Avenue and continued north. Officers Blanco and Chavez chased after him, along with Officers Rodriguez and Morales who were at Marigold Ave, on 253rd Street just west of the officers when the OIS occurred.

Note: Officers Rodriguez and Morales remained involved in the foot pursuit for a short distance, but then ran to the alley to ensure Suspect Rosales' rifle was secure at the direction of Officer Chavez.

At 21:32:39 hours, Officers Blanco and Chavez' BWV depict them pursuing Rosales at a distance. The officers could see additional units north of them near 251st and 252nd Streets. At that point, Officer Blanco yelled, *"He's got a rifle."* to the officers north of him.

At 21:32:50 hours, Officer Bryant's BWV depicts Rosales running to the east sidewalk and then north towards him. Officers Bryant and Vint can be heard giving Rosales commands to stop and put his hands up. Rosales ignored these commands and continued running past the officers. Officers Bryant, Vint and Portillo chased after Rosales on foot. Officer Bryant caught up to Rosales and pushed him from behind causing Rosales to fall face down onto the sidewalk. Officer Ivan used body weight to control Rosales legs as he searched Rosales' waistband for weapons. Within moments additional officers arrived and Rosales was taken into custody.

Officer Bryant stated, *"Once I caught up to the suspect [Rosales], I pushed him down to the ground, and then kind of went down with him but with my knees on the concrete and kind of holding him down until Officer Portillo put handcuffs on his left arm. And then that's when me and my partner [Vint] grabbed for his right arm and bring it in front and put him in custody with second pair handcuffs."*¹⁵

Officer Portillo approached and placed his left knee on Rosales' right shoulder and his left hand on Rosales' left shoulder. Officer Singh used a firm grip to control Rosales' left arm and Officer Campos applied body weight by placing his right knee on Rosales' lower leg to help control him until he was handcuffed.

According to Officer Portillo, once additional officers began to assist him he repositioned himself and placed both of his knees on Rosales' shoulders. Portillo then handcuffed Rosales' left hand.

¹⁵ Officer Bryant's statement, Page 9, Lines 8-15.

Rosales continued to resist by keeping his right hand tucked beneath his body in an attempt to prevent the officers from handcuffing him. Officer Bryant attempted to pull Rosales' right arm out, but was having difficulty because of his continued resistance. Officer Vint, observing his partner having difficulty, used physical strength to pull Rosales' right arm from underneath his body and positioned it behind his back for handcuffing.

Note: Due to the angles of the officers' BWV, not all the above-mentioned force techniques were captured on video.

Sergeant Talmage was in the area canvassing and heard the gunshots from the OIS followed by the officers' broadcast.

At approximately 21:34 hours, Sergeant Talmage was the first supervisor to arrive at Petroleum Avenue and 252nd Street. He did so as Suspect Rosales was being taken into custody. Talmage directed officers to establish a crime scene and requested a Rescue Ambulance (RA) for Rosales. As Talmage provided supervision, he received information that Rosales had possibly shot someone prior to the OIS and that the victim had been transported to Kaiser Hospital. Sergeant Talmage directed Officers Carlos and Garcia to respond to Kaiser Hospital to investigate further. Once at Kaiser Hospital, Officers Carlos and Garcia learned that a shooting had taken place at 1071 West 254th Street and that the victim had died.

Note: A murder (DR No. 19-05-00770) was confirmed to have taken place at the initial radio call location of 1071 West 254th Street prior to the OIS. The Victim, Angel Hernandez, was transported to Kaiser Hospital and was pronounced dead by Doctor Shannon Anderson at 2150 hours. The murder was investigated by Detective II David Cortez, Serial No. 27673, and Detective I Dawna Killingsworth, Serial No. 30615, Harbor Area Homicide. Evidence collected at the homicide scene and witness statements have identified Rosales as the homicide suspect. As a result, Rosales was subsequently re-arrested and booked pursuant to Section 187 of the California Penal Code (CPC) - Murder.

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Scene Overview

At approximately 21:34 hours, Sergeants West and Huett were also in the area of 1071 West 254th Street when they heard Officers Blanco and Chavez' broadcast. Sergeants West and Huett met Officers Blanco and Chavez at Petroleum Avenue and 253rd Street. After confirming that the officers had been involved in an OIS, Sergeant West took possession of their BWV cameras. Sergeant Huett obtained a Public Safety Statement (PSS) from Officer Blanco and Sergeant West obtained a PSS from Officer Chavez. While separating and monitoring their respective officers, Sergeants West and Huett established a Command Post (CP). Sergeant West acted as the Incident Commander (IC), supervised the OIS scene and ensured that inner and outer crime scenes were established. He did so until Lieutenant I Michelle Loomis, Serial No. 27794, Watch Commander, Harbor Patrol Division, relieved him as the IC. At that point, Lieutenant Loomis made all proper notifications to the Department Operations Center (DOC).

Note: A review of Sergeant West's BWV revealed that he turned his DICVS and BWV off at approximately 2132:14 hours. Sergeant West stated, *"Since, I was in a residential neighborhood, I didn't have any*

*contact, didn't have any law enforcement action taking place at the time I turned off the digital in car video."*¹⁶ (Investigators' Note No. 2).

Scene Description

The OIS occurred on the north sidewalk of 253rd Street, just west of Petroleum Avenue; it is an east/west roadway with a single lane of traffic in each direction and vehicle parking along the north and south curbs; it measures 33 feet in width and has concrete sidewalks on each side of the street measuring approximately 10 feet in width. The neighborhood consists of a mixture of single-family residences and apartment buildings. There are street lights spaced along both sides of the street that provided a low level of illumination.

The OIS occurred during the hours of darkness. The environmental conditions were clear and dry.

A to-scale Computer-Aided Design (CAD) diagram of the location was prepared by the Investigative Support Unit (ISU) of FID and is attached to this report.

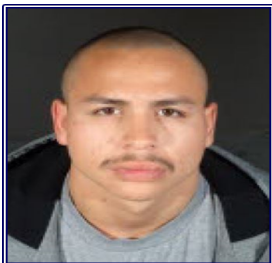
Canvass for Witnesses

On May 28, 2019 and June 11, 2019, FID personnel conducted a canvass of the area for additional witnesses. Seventeen witnesses were located. All seventeen advised that they only heard the gun shots.

Witness Cabrera reported that he was at his residence at 1036 West 253rd Street and was getting into his vehicle when he heard gunshots coming from the east/west alley south of his residence. Approximately 40 to 50 seconds later, Cabrera observed a male Hispanic in the parking lot of his apartment complex armed with a rifle and blood on his clothes. This prompted Cabrera to call 911.

The statements of all relative witnesses were recorded, transcribed and are contained in this report.

Suspect Information



Kenneth Alonso Rosales is a male Hispanic with black hair and brown eyes. At the time of the incident, he was five feet, six inches tall, weighed 155 pounds and had a date of birth of January 12, 1996. Rosales was identified by California Information and Identification (CII) No. A34295402 (Addendum No. 1).

¹⁶ Sergeant West's statement, Page 7, Lines 14-18.

Rosales has a criminal history that includes convictions for Assault with a Deadly Weapon (ADW) and Felon in Possession of a Firearm. At the time of the OIS, Rosales was on Summary Probation for Resisting Arrest and Driving While under the Influence (DUI).

Rosales had no LAPD Mental Evaluation Unit (MEU) contacts.

Rosales is a documented Varrio Harbor City BLS gang member known by the moniker of "Rowdy."

On May 28, 2019, Detectives II Robert McCarty, Serial No. 31125, and Frank Alvelais, Serial No. 30865, FID Criminal Apprehension Team (CAT), responded to Harbor UCLA Medical Center. Detective Alvelais completed Buccal Swab No. 430519464000 (Item No. 1) and Gunshot Residue (GSR) Kit No. 004626 (Item No. 2) on Rosales. The detectives were unable to interview Rosales because he was immediately taken into surgery (Addendum No. 2).

Detective McCarty initially placed Suspect Rosales under arrest and absentee booked him pursuant to Section 29800(A)1 CPC - Felon in Possession of a Firearm (Los Angeles County Booking No. 5641684) (Addendum No. 3).

On May 29, 2019, at 13:00 hours, Detectives Killingsworth and Cortez interviewed Rosales at Harbor UCLA Medical Center. Rosales waived his Miranda Rights and stated he was drunk from drinking with friends at his home earlier in the day. The detectives observed a small scratch on Rosales' face. When asked how he obtained the scratch, Rosales opined he received the scratch when the officers were taking him into custody. When questioned about the rifle, Rosales initially denied dropping it. However, he later stated, "*I guess*" and admitted being in possession of the rifle for a couple of days. Rosales denied committing the murder and claimed he acted in self-defense because he was being beaten up by multiple people. Rosales then requested an attorney and the interview ended.

On May 29, 2019, at 20:45 hours, Rosales was re-arrested by Detectives Killingsworth and Cortez for 187(A) PC- Murder (Los Angeles County Booking No. 5643521) (Addendum No. 4).

On May 30, 2019, Killingsworth presented a criminal complaint to Los Angeles County Deputy District Attorney (DDA) May Chung, who filed one count 187(A) PC- Murder and one count 29800(A)1 PC- Felon in Possession of a Firearm. As of this report, Rosales' preliminary hearing has not been scheduled.

Injuries

At 21:27:26 hours, Los Angeles Fire Department (LAFD) RA No. 85, staffed by Firefighter/Paramedics (FF/PM) Mike Dennis and Grant Garrett received the alarm to respond to 253rd Street and Petroleum Avenue.

At 21:31:23 hours, RA No. 85 arrived at scene. In a collective effort, LAFD personnel provided emergency medical treatment to Rosales for a gunshot wound to his lower torso. At 21:47:31 hours, RA No. 85 transported Rosales to Harbor UCLA Medical Center, arriving at 22:11:41 hours. Rosales was treated by Emergency Room (ER) Doctor Vince Chong for a *“through and through”* gunshot wound to his lower torso under Patient No. 101589915.

Officers Vint and Jackson’s BWV captured Rosales’ ambulance transportation to the hospital. Rosales did not make any statements related to the OIS. The paramedics asked the officers to uncuff Rosales from behind his back and cuff his hands to the rails of the gurney. As the officers adjusted Rosales handcuffs, Rosales attempted to bite them on the arms.

Evidence

Criminalists II Jennifer Dorrel, Serial No. N5003, Annette Woiwode, Serial No. N4427, John Flores, Serial No. N6278, and Supervising Criminalist Julie Wilkerson, Serial No. N4403, Forensic Science Division (FSD) Firearms Analysis Unit (FAU), responded and conducted an examination of the OIS scene for ballistic impacts, trajectories, projectiles and physical evidence.

Their examination resulted in numerous items of evidence being recovered. Included in those items were a semiautomatic AR-15 Type FMBUS rifle (Item No. 3), magazine removed from the rifle (Item No. 4), four Discharged Cartridge Casings (DCC), 7.62x39mm caliber, head stamped “Tulammo” (Item Nos. 5 through 8) and two live bullets, 7.62x39mm caliber, head stamped “Tulammo”(Item Nos. 9 and 10) collected from the walkway at 1041 252nd Street. Additional evidence collected included one live bullet, 9mm, head stamped “SPEER 18 9mm Luger” collected from sidewalk at 252 Street and Petroleum Avenue (Item No. 11), 19 DCC, 9mm, head stamped “SPEER 18 9mm LUGER” collected from 253rd Street (Item Nos. 12 through 30), two bullet fragments, fired jacket, unknown caliber, collected from west parking lot of 1033 253rd Street (Item Nos. 31 through 32). One bullet fragment, fired jacket, unknown caliber, collected from 253rd Street (Item No. 33). One bullet fragment, fired jacket, unknown caliber, collected from 253rd Street, near 1036 253rd Street (Item No. 34). One bullet fired jacket, unknown caliber, collected from parking lot of 1033 253rd Street (Item No. 35). Two bullet fragments, unknown caliber, collected from 253rd Street and Petroleum Ave (Item Nos. 36-37). One bullet fragment fired, unknown caliber, collected from the dashboard of the Nissan Altima, License No. 7PKY026, parked along the north curb of 253rd Street (Item No. 38). One bullet fragment, fired, unknown caliber, collected from the driver’s side door jamb of the Nissan Altima, License No. 7PKY026, parked along the north curb of 253rd Street (Item No. 39). One bullet fragment, fired, unknown caliber, collected from the resident of 1033 253rd Street, Apartment No. 4 (Item No. 40). One bullet fired, unknown caliber, collected from the kitchen cabinet door of 1033 253rd Street, Apartment No. 8 (Item No. 41). One swab of red stain, collected from the west parking lot of 1033 253rd Street (Item No. 42). One swab red stain, collected from the

west sidewalk next to east/west alley north of 253rd Street (Item No. 43). One swab of red stain, collected from the west sidewalk of the 25200 block of S. Petroleum Avenue (Item No. 44). One pair of shoes, with red stain, AIR270, white swoosh. One Polo shirt with red stains, blue, black, white and gray striped, "Silver Stone Collection" collected from the west sidewalk of the 25200 block of S. Petroleum Avenue (Item Nos. 45 through 46) (Addendum No. 5).

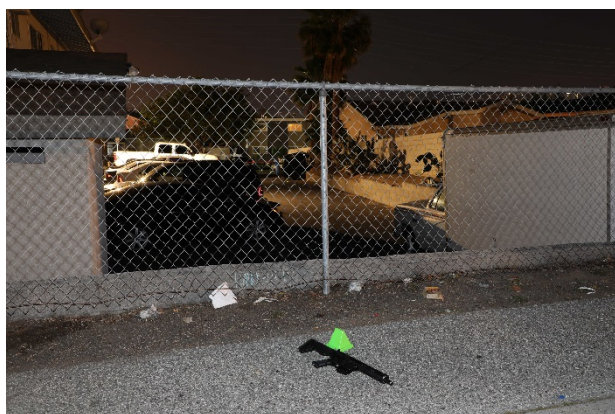
On June 12, 2019, Criminalist Dorrel collected swabs of potential biological material from the suspect's rifle, magazine, cartridges and DCC recovered from the scene. These swabs were documented as (Item Nos. 47, 48 and 49) and booked into property (Addendum No. 6).

On June 18, 2019, Detective II Dimitri Kort, Serial No. 34872, FID, collected one bullet from 253rd Street. The bullet was documented as (Item No. 50) and booked into property (Addendum No. 7).

On June 26, 2019, Criminalist III Fadil Biraimah, Serial No. N3140, FSD/FAU, and Criminalist Woiwode produced a property report documenting their test firing of Officers Chavez and Blanco's service weapons. As a result, evidence (Items Nos. 51, through 54) was created for Chavez and evidence (Item Nos. 55, through 58) was created for Blanco (Addenda Item Nos. 8 and 9).

On July 22, 2019, Criminalist II Jack Seror, Serial No. N4571, FSD FAU, produced a property report documenting the test fire evidence of Rosales rifle. As a result, evidence (Item Nos. 59 and 60) was created (Addendum No. 10).

Weapons



Rosales Rifle Discarded in Alley



Rifle Condition When Rendered Safe

Kenneth Rosales was armed with a black AR 15 type FMBUS rifle (Item No. 3). The length of the barrel was approximately nine inches. On May 28, 2019, Criminalist Dorrel rendered it safe and collected the rifle. The rifle was recovered from the east/west alley between 252nd and 253rd Street at Petroleum Avenue. The rifle was found lying on its left side, muzzle pointing northwest, magazine inserted (Item No. 4) and the action

closed. Both the magazine found in the rifle and the firing chamber were empty. The rifle safety selector was in the firing position (Addendum No. 11).

Officer Chavez was armed with his Department-issued 9mm Glock, Model 17GEN 4, Serial No. RAN319, semiautomatic pistol with attached Sure Fire X300 tactical light. According to Officer Chavez, at the time of the OIS the pistol was loaded to capacity with 17 rounds in the magazine and one round in the firing chamber.

On May 28, 2019, at approximately 03:50 hours, Detective II Dante Palacio, Serial No. 32208, FID, conducted a post-incident examination of Officer Chavez' pistol. He determined that Officer Chavez firearm was loaded with one round of Speer 18, 9mm Luger ammunition in the firing chamber and six rounds of Speer 18, 9mm Luger ammunition in the magazine.

Detective Palacio inspected two additional magazines belonging to Officer Chavez. The two magazines, which remained in Officer Chavez' magazine pouches, contained 17 rounds of Speer 18, 9mm Luger ammunition. These counts are consistent with Officer Chavez having fired 11 rounds during the OIS.

On July 11, 2019, Criminalist Biraimah, completed a report documenting the test-firing of Officer Chavez' pistol. The pistol was found to be functional and the trigger pull value was within the Department's established range (Addendum No. 12).

Officer Blanco was armed with his Department-issued 9mm Glock, Model 17GEN 4, Serial No. RAN311, semiautomatic pistol with attached Streamlight TLR-1 tactical light. According to Officer Blanco, at the time of the OIS, the pistol was loaded to capacity with 17 rounds in the magazine and one round in the firing chamber.

On May 28, 2019, at approximately 04:15 hours, Detective Palacio conducted a post-incident examination of Officer Blanco's pistol. He determined that Officer Blanco's firearm was loaded with one round of Speer 18, 9mm Luger ammunition in the firing chamber and nine rounds of Speer 18, 9mm Luger ammunition in the magazine.

Detective Palacio inspected two additional magazines belonging to Officer Blanco. The two magazines, which remained in Officer Blanco's magazine pouches, contained 17 rounds of Speer 18, 9mm Luger ammunition. These counts are consistent with Officer Blanco having fired eight rounds during the OIS.

On July 23, 2019, Criminalist Woiwode completed a report documenting the test-firing of Officer Blanco's pistol. The pistol was found to be functional and the trigger pull value was within the Department's established range (Addendum No. 13).

Detective Hancock verified that Officers Chavez and Blanco's firearms had been entered onto the Department's Firearms Inventory Tracking System (FITS). Officer Chavez' 9mm Glock, Model 17GEN 4 pistol was entered into the system on October 17,

2012. Officer Blanco's 9mm Glock, Model 17GEN 4 pistol was entered into the system on May 29, 2013.

On November 18, 2019, Detective Hancock was able to capture a still photograph from Officer Blanco's BWV depicting Suspect Rosales running with the rifle just prior to the driveway in which Rosales fled north away from the officers.

Firearms Analysis

On May 28, 2019, Criminalist Dorrel and Criminalist III Steven Tsurumoto, Serial No. N4574, FSD FAU, identified 19 bullet impacts, which are delineated in the FAU Bullet Path Analysis Report, dated October 30, 2019. Their investigation concluded that the impacts were consistent with having been caused by bullets traveling from south to north, and west to east directions, which is consistent with the directions of fire as described by the officers and depicted by their BWV (Addendum No. 14).

On September 10, 2019, Firearms Expert Genaro Arredondo, Serial No. N4417, compared the test fired DCC from Rosales' rifle to the casing recovered from the murder scene on 254th Street. Arredondo concluded that both samples were fired from the same rifle. The test-fired cartridges from the rifle were entered into the National Integrated Ballistics Information Network (NIBIN) (Addendum No. 15).

On October 9, 2019, Serology/DNA Criminalist II Shannan Kelly, Serial No. N4365, FSD finalized a report detailing the analysis of the biological material obtained from Rosales, his rifle, the magazine and the red stains that were collected from the west sidewalk of Petroleum Avenue and the west parking lot of 1033 253rd Street. Both red stain samples from the sidewalk matched Rosales. There were no conclusive matches on the swabs from the rifle and magazine. The number of contributors was undetermined due to the complexity of the data. The DNA results were unsuitable for interpretation or entry into Combined DNA Index System (CODIS) database (Addendum No. 16).

Visual Documentation

Digital In-Car Video System (DICVS): The below listed officers from Harbor Patrol Division were canvassing the area of the shots fired radio broadcasts and responded to the scene of the OIS. Although some captured the sound of gun fire, none captured the OIS.

- Officers Singh and Ivan, driving Shop No. 80734.

At 21:26:54 hours, Officers Singh and Ivan are at the initial radio call of the ambulance shooting at 1071 254th Street. At that point their DICVS was shut down.

- Officers Rodriguez and Morales, driving Shop No. 89036.

At 21:32:12 hours, their DICVS depicts the officers east on 253rd Street from Marigold Avenue. The headlights from Officers Chavez and Blanco's vehicle are captured facing west on 253rd Street.

At 21:32:23 hours, Rodriguez and Morales appear to be approximately eight to ten vehicle lengths from the involved officers when gunshots can be heard.

At 21:32:31 hours, Officer Rodriguez stops in front of Officers Blanco and Chavez' vehicle and exits. The video depicts the officers running east on 253rd Street and then north on Petroleum Avenue out of view of their DICVS.

Note: According to Officers Rodriguez and Morales, they were unaware that the headlights belonged to the vehicle of the involved officers. It was not until they heard what sounded like commands being given and the subsequent gunshots that they realized it was officers ahead of them.

- Officers Bryant and Vint, driving Shop No. 80692.

At 21:32:00 hours, Officers Bryant and Vint were patrolling south on Petroleum Avenue at 252nd Street. Their DICVS captures Officers Blanco and Chavez turn west on to Petroleum from 253rd Street. Officers Bryant and Vint then turn west onto 252nd Street.

At 21:32:25 hours, gunshots can be heard. The officers reverse and stop facing south on Petroleum Ave.

At 21:32:44 hours, the flashlights from Officers Blanco and Chavez are shown shining north on Petroleum Avenue in their direction. At the same time, Officer Blanco can be heard broadcasting that the suspect is in the alley at 254th and Petroleum Ave.

At 21:32:46 hours, Rosales is depicted running across the street in front of their vehicle to the east curb of Petroleum Avenue.

- Officers Portillo and Jackson, driving Shop No. 81431.

At 21:32:03 hours, Suspect Rosales is depicted running north on the east sidewalk of Petroleum Avenue past the officers. Rosales appeared to be holding the left side of his waistband.

At 21:32:58 hours, Officers Portillo and Jackson are depicted bringing their vehicle to a stop facing southeast from 252nd Street to Petroleum Avenue.

- Officers Campos and Munoz, driving Shop No. 81553.

At 21:31:07 hours, Officers Campos and Munoz are depicted driving west on 253rd Street from Petroleum Avenue. The officers met Officers Rodriguez and Morales at the corner of 253rd Street and Marigold Avenue. The officers then drove north on Marigold to 252nd Street at which time, Officer Blanco can be heard broadcasting Rosales direction of travel in the alley at 254th and Petroleum Avenue. They responded east on 252nd Street and came to a stop behind Officers Portillo and Jackson at Petroleum Avenue.

At 21:32:03 hours, Rosales is depicted running past the front of the officers' vehicle. Officers Jackson and Portillo are then depicted running north in Rosales' direction.

The investigation determined that 11 additional units assigned to Harbor Patrol Division and 11 units assigned to Southeast Patrol Division responded to the scene but arrived after the OIS. None of their DICVS recorded the OIS or provided any additional investigative value.

Body Worn Video (BWV)

Officer Chavez' BWV recorded his activity prior to and during the OIS. It also depicts Suspect Rosales running north on the driveway away from the officers and the foot pursuit of Rosales north on Petroleum Avenue (Investigators' Note No. 3).

Officer Blanco's BWV recorded his activity prior to and during the OIS. It also depicts Suspect Rosales running north on the driveway away from the officers and the foot pursuit of Rosales north on Petroleum Avenue.



Rosales Running with the Rifle in Hand

On November 18, 2019, Detective Hancock was able to capture a still photograph from Officer Blanco's BWV depicting Suspect Rosales running with the rifle just prior to the driveway in which Rosales fled north away from the officers.

Officers Bryant and Vint's BWV recorded their response to the radio call and subsequent help call. Their BWV also recorded the foot pursuit including Officer Bryant pushing Suspect Rosales to the ground (Investigators' Note No. 4). Officer Portillo's BWV recorded his response to the radio call and subsequent help call. His BWV also recorded the foot pursuit and the officers taking Suspect Rosales into custody (Investigators' Note No. 5).

Officer Munoz' BWV recorded his response to the radio call and subsequent help call. His BWV also recorded the foot pursuit and the officers taking Suspect Rosales into custody (Investigators' Note No. 6).

Officer Campos' BWV recorded his response to the radio call and subsequent help call. His BWV also recorded the officers taking Suspect Rosales into custody (Investigators' Note No. 7).

News Media: Reporters from KNBC Channel No. 4 and KTLA Channel No. 5 responded to the scene after the OIS. Brief reports from each news agency were publicized, but did not provide any investigative leads or witnesses to the incident. A copy of the news media coverage is maintained in the case book and vaulted under Control No. A729427.

Social Media: Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of the investigative report. No additional evidence, information or witnesses were identified.

Other Department Video: No additional Department video was captured during the incident.

Outside Video: Detectives from FID canvassed the area of the OIS for outside video. Detectives were unable to locate any video surveillance cameras monitoring the area of the OIS. There was also no personal video footage obtained from witnesses/citizens on the night of the incident or during the canvass.

Photographs: Photographs of the OIS scene and associated evidence were stored under Control Nos. D0769515 and D0765516.

Notifications

At 22:22 hours, the Department Operations Center (DOC) was notified of the Categorical Use of Force. The details of this and all subsequent notifications are attached (Addendum No. 17).

Personnel at Scene

Detective III Peter Stone, Serial No. 27168, FID, arrived at scene at approximately 00:05 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

Communications

The computer-generated incident history printouts associated with this occurrence, Incident Nos. 190527005621, 190527005629, 190527005651, 190527005654, 190527005670 and 190527005687 are on file at FID. A digital recording of Harbor Area Base Frequency from the time of this incident is also stored at FID and available for review. The digitally recorded interviews of the involved and percipient officers, as well as all civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database (Addendum No. 18).

Justice System Integrity Division

This case meets the criteria for presentation to the Justice System Integrity Division (JSID). A report will be provided to JSID for their review within 10 days of the Department's adjudication of this matter.

Investigators' Notes

1. Officers Blanco and Chavez responded to the original radio call of the ambulance shooting and did not place themselves at scene upon their arrival in the area or prior to the OIS. Their first radio broadcast after arriving in the vicinity was their Officer Needs Help Call.
2. Detective Sammy Hancock, Serial No. 33242, Force Investigation Division (FID), reviewed Sergeant West's BWV and DICVS video footage. Sergeant West started his response to the incident with both of his DICVS and BWV activated. At approximately four minutes and 44 seconds into his response, West turned off both devices.
3. Detective Hancock reviewed BWV footage from Officers Chavez and Blanco. The footage depicts the following:
 - a. At 21:32:19 hours, Officer Blanco can be heard telling Rosales, "*Hey let me see your fucking hands*" as Blanco is near the trunk of their vehicle.
 - b. At 21:32:49 hours, Blanco points his weapon north on Petroleum Avenue while backup officers are north of him preparing to take Rosales into custody.
 - c. At 21:32:56 hours, Chavez is observed holding his weapon in his right hand northbound Petroleum Avenue while in foot pursuit of Suspect Rosales.
4. Detective Hancock reviewed BWV footage from Officer Bryant and Vint. The footage depicts the following:

- a. At 21:32:34 hours, Officer Vint is shown holding his weapon in his right hand as he's seated in their vehicle.
 - b. At 21:32:49 hours, Officer Bryant exits the driver's door of his vehicle with his weapon drawn and pursues Suspect Rosales on foot while holding his weapon.
 - c. At 21:32:56 hours, Officer Vint pursues Suspect Rosales on foot pursuit while still pointing his weapon at Rosales.
 - d. At 21:33:02 hours, Officer Vint utilizes profanity while giving Suspect Rosales the order to, *"Let me see your fucking hands."* Rosales ignores the commands and Officer Vint continues to pursue Rosales with his weapon pointed in Rosales direction while additional backup officers are north of him preparing to intercept and take Rosales into custody.
5. Detective Hancock reviewed the BWV footage from Officer Portillo. The footage depicts the following:
 - a. At 21:33:08 hours, Officer Portillo exits the driver's door of his vehicle with his weapon drawn to a low ready as other back up officers are chasing Suspect Rosales north along the sidewalk. Portillo began to pursue Rosales on foot while still holding his weapon in his right hand.
6. Detective Hancock reviewed BWV footage from Officer Munoz. The footage depicts the following:
 - a. At 21:32:05 hours, Officer Munoz exits his vehicle at 252nd Street and Petroleum Avenue with his weapon drawn in a low ready position. Suspect Rosales is depicted running north while being pursued by backup officers. Munoz joins the foot pursuit while still holding his weapon in his hand.
7. Detective Hancock reviewed BWV footage from Officer Campos. The footage depicts the following:
 - a. At 21:32:01 hours, Officer Campos exits the passenger door of his vehicle with his weapon drawn. Officer Campos uses profanity when he yells at Suspect Rosales, *"Hey you gonna get shot mother fucker, drop, drop, drop."*
8. Detective Hancock reviewed BWV footage from Officers Morales and Rodriguez. The footage depicts the following.
 - a. At 21:32:35 hours, Officer Rodriguez driving east on 253rd Street toward the involved officers after hearing the shots fired and OIS radio broadcast. Rodriguez stopped their vehicle approximately six car lengths prior to reaching the involved officers. Morales exited the passenger door of the vehicle without Rodriguez being aware of him exiting the vehicle. Rodriguez then continued driving east causing Morales to run until Rodriguez came to a stop next to the involved officers' vehicle.
 - b. Officer Morales is depicted running with his weapon in hand his right hand after he exited the vehicle.

9. Detective Hancock notified Lieutenant II James Antenucci, Serial No. 26784, FID, regarding the items contained in the above listed notes. Lieutenant Antenucci forwarded this information to Commander Robert E. Marino, Commanding Officer, Force Investigation Group. Commander Marino then forwarded this information to the Office of Operations and the concerned Area Commands for follow-up and disposition.
10. Suspect Rosales filed a complaint regarding missing money (CF No. 19-001537). The complaint is being investigated by detectives assigned to Internal Affairs Division.

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CHIEF OF POLICE REPORT¹⁷

Chief of Police Findings

Tactics – Tactical Debrief, Officers Blanco, Chavez, Bryant, Campos, Portillo, and Vint. Administrative Disapproval, Officers Ivan and Singh.

Drawing and Exhibiting – In Policy, No Further Action, Officers Blanco, Chavez, Bryant, Campos, Ivan, Portillo, Singh, and Vint.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Bryant, Campos, Ivan, Portillo, Singh, and Vint.

Use of Lethal Force – In Policy, No Further Action, Officers Blanco and Chavez.

Chief of Police Analysis

Detention

- Officers Blanco and Chavez responded to a radio call of an ambulance shooting in a known gang location. CD had broadcast several related calls with different locations and information regarding the suspect. As multiple Harbor Patrol Division officers canvassed the area of the calls, Officers Blanco and Chavez observed Rosales walking on the north sidewalk of 253rd Street, armed with a rifle. Officers Blanco and Chavez immediately stopped their police vehicle and deployed on Rosales. Officers Blanco and Chavez began de-escalation techniques by verbalizing with Rosales in an attempt to bring an end to the incident peacefully. Rosales ignored the officers' commands, began to run toward them, and pointed the rifle at them resulting in an OIS.

Rosales then fled from the officers on foot into a parking lot and discarded the rifle in a nearby alley. Rosales continued to attempt to evade Officers Blanco and Chavez and fled onto Petroleum Avenue where Officers Munoz, Campos, Bryant, and Vint observed him and gave him verbal commands to stop. When Rosales refused to submit to arrest, Officers Bryant, Campos, Singh, Ivan, Portillo, and Vint utilized non-lethal force to take him into custody. The officers' actions were legal, appropriate, and within Department standards.

Tactics

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

¹⁷ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training”* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning - Officers Blanco and Chavez were both assigned to Harbor Area GED and had worked together for approximately one week. Officers Blanco and Chavez had been assigned to conduct crime suppression for the Varrio Harbor City Baby Locos “BLS” criminal street gang. During that time, they had discussed tactics, contact and cover roles, foot pursuit containment versus apprehension modes, and BLS gang information. Additionally, they had also discussed various scenarios such as uses of force incidents, along with their roles and responsibilities regarding less lethal options and radio communication.

While en route to the radio call, Officers Blanco and Chavez listened to the multiple updates from CD and discussed the comments of the call. The UOFRB noted, and the Chief concurred, that Officers Blanco and Chavez may have benefitted from developing a more detailed tactical plan for this particular incident prior to arriving at the location. It was also noted, that while it would have been preferred that the

officers created a more specific plan during this incident, the rapid escalation of Rosales pointing the rifle at the officers reduced their opportunity to do so once they arrived at scene.

In addition, Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos all responded to the ambulance shooting radio call and subsequent "Officer Needs Help, Shots Fired" request. As the responding officers searched the area and heard multiple radio broadcasts that officers needed help, they also heard unknown officers yelling that Rosales was in possession of a rifle. The responding officers then observed Rosales fleeing the location on foot. Not knowing the condition of the original officers who had requested for help, Officers Campos, Singh, Ivan, Portillo, Bryant, and Vint immediately reacted to the Rosales' actions during this rapidly unfolding and dynamic incident in order to bring an end to the incident, and increase their ability to locate any injured officers or citizens and render aid.

Assessment – Officers Blanco and Chavez first began to assess the incident as they responded to the shots fired radio call and discussed the known gang activity in the vicinity. The officers then observed Rosales walking in the area and assessed his appearance and recognized that he matched the suspect description previously broadcasted. The officers observed that Rosales was armed with a rifle, which they assessed as having superior firepower to their service pistols, to which they acted quickly and decisively. They interpreted Rosales as a violent suspect who may be willing to utilize the weaponry on them, as he had likely utilized the rifle to shoot the reported victim nearby. The officers continuously assessed Rosales' movements and direction of travel and made the decision to draw their service pistols as they believed the situation could escalate to the use of deadly force.

As Officers Chavez and Blanco utilized verbal commands in an attempt to resolve the situation peacefully, they assessed Rosales' lack of cooperation and the deadly threat that he presented as he began to run in their direction holding the rifle. When Officers Chavez and Blanco observed Rosales point the rifle in their direction, Officers Chavez and Blanco assessed that they were faced with an imminent threat of serious bodily injury or death. Officers Chavez and Blanco utilized lethal force to stop Rosales' actions. During the volleys of rounds being fired which lasted approximately four seconds, Officers Chavez and Blanco continually assessed Rosales' actions, and when his movements indicated that he no longer posed a threat, Officers Chavez and Blanco stopped firing their service pistols.

In addition, Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos observed Rosales fleeing on foot in an attempt to evade capture. Officers Bryant, Vint, Ivan, Portillo, Singh and Campos assessed that Rosales was a violent fleeing suspect that, due to public safety concerns, had to be apprehended immediately. As Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos pursued Rosales on foot, they assessed whether Rosales continued to be armed, and when they did not immediately observe any weapons, they acted quickly and decisively to effect an arrest.

Time – Officers Blanco and Chavez were faced with a rapidly escalating incident when Rosales quickly ran toward them armed with a high-powered rifle. Although the officers' options were very limited, video evidence depicts that the officers used the "Distance + Time = Cover" concept when confronted by Rosales who was running just feet from them on the sidewalk. The officers remained in the street and moved from vehicle to vehicle using them as cover while still maintaining a line of sight on the armed suspect and continually verbalized with him to surrender. The officers' belief of the criminal activity already conducted by Rosales at the location presented a significant concern for the safety of the community, as well as for all of the officers at scene. Officers Blanco and Chavez did not have the opportunity to utilize additional time, which may have allowed Rosales to escape into the community armed with a high-powered rifle.

In addition, Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos initially had not yet determined that Rosales was unarmed, thus they utilized distance to create additional time for the events to unfold as they verbalized with Rosales. The officers demonstrated restraint and discipline as they quickly redeployed and re-assessed the situation. Officers Chavez, Blanco, Bryant, Vint, Ivan, Portillo, Singh, and Campos were in an open neighborhood surrounded by many occupied residences with limited options for cover. Additionally, having prior knowledge that suspects could either force their way into a nearby dwelling or find an associate location to hide within, the officers knew that if not immediately apprehended, the violent suspect may escape. This limited their ability to delay approaching Rosales and making the arrest.

Redeployment and/or Containment – Upon observation of Rosales' rifle, Officers Blanco and Chavez tactically redeployed from the police vehicle and moved to nearby cover behind parked vehicles as they verbalized with Rosales to submit to arrest. When Rosales ignored the commands and continued to close the distance between himself and Officers Chavez and Blanco, the officers moved from cover to cover as they maintained visual contact with Rosales. After the end of the OIS, Officers Chavez and Blanco did not pursue Rosales into the darkened parking lot, rather, they demonstrated situational awareness and discipline and redeployed away from the immediate vicinity and began to set up a containment via their hand-held radio.

In addition, Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos observed Rosales fleeing on foot. Due to the rapid escalation of the Rosales' actions, the officers had a limited opportunity to utilize other options and instead initiated a foot pursuit after Rosales. The short duration of the incident did not allow for containment to be established prior to taking Rosales into custody. The UOFRB was critical of Officers Ivan and Singh's decision to utilize their police vehicle to block the path of Rosales. This tactic placed both Officers Ivan and Singh in close proximity of Rosales, reduced their ability to react to Rosales' actions, and reduced their options to utilize their police vehicle as cover. The UOFRB would have

preferred that Officers Ivan and Singh parked their vehicle further away thus creating more distance between them and Rosales.

Other Resources – Numerous officers responded to the location in response to the initial radio call. Due to the sudden escalation of the incident by Rosales as he pointed the rifle at Officers Chavez and Blanco, the first broadcast from the officers for additional resources to their location was Officer Blanco's broadcast, "Shots fired, shots fired, Officer Needs Help, Petroleum and 254." Officers Blanco and Chavez were aware that additional resources were already at scene and nearby. Additionally, Officer Blanco requested additional units for a perimeter for the outstanding suspect. The additional officers who responded to the location worked in cooperation to take Rosales into custody.

Lines of Communication – Officers Blanco and Chavez communicated with each other as they responded to the radio call. Officer Chavez provided his partner pertinent information on CD updates, radio calls, locations, and the suspect description. Officers Chavez and Blanco also discussed the possible connection to a known Harbor City criminal street gang at the location.

While canvassing the area, Officer Blanco observed Rosales and immediately notified Officer Chavez. After exiting the vehicle, Officers Blanco and Chavez continued to verbalize with Rosales in an effort to gain his compliance, but Rosales failed to drop the rifle as directed. Rosales continued to refuse to comply or verbally respond to the officers even after the first volley of gunfire from the officers. Rosales responded by again pointing the high-powered rifle at the officers while he continued to flee on foot. Despite the Harbor Area base frequency being unavailable due to an unidentified officer having an open microphone, Officers Blanco and Chavez communicated to the additional officers at scene by yelling out that Rosales was armed with a rifle. This information was imperative to the safety of the other officers as the rifle afforded Rosales an extended range to fire upon officers.

In addition, Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos were responding to a rapidly unfolding incident and had minimal time to discuss tactical roles, but worked together to take Rosales into custody. The officers observed Rosales fleeing on foot and verbally communicated with each other and continued to order Rosales to submit to arrest. Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos coordinated with each other and took Rosales into custody.

The UOFRB determined, and the Chief concurred, that Officers Blanco, Chavez, Bryant, Vint, Ivan, Portillo, Singh, and Campos attempted to de-escalate the incident, but Rosales' aggressive actions to evade detention, including his pointing of the rifle at Officers Blanco and Chavez, fleeing on foot, and his violent physical resistance prompted the officers to resort to both Lethal and Non-Lethal force on Rosales.

Debriefing Points

- During the review of the incident, the following Debriefing Topics were noted:

- **Tactical Planning**

Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Operational success is based on the ability of the officers to effectively communicate during critical incidents. The officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officers Blanco and Chavez engaged in limited communication with each other to formulate a tactical plan to approach the suspect, in the event they located him. The officers engaged in basic planning prior to arriving at the location. Officer Blanco, a gang expert of the Harbor City BLS criminal street gang, explained to Officer Chavez that one of the occupants of a vehicle they had stopped earlier that same night lived in the general vicinity of the shooting call. Officer Blanco further referenced a female gang associate and advised when she typically arrives in the area, *"There's always shootings"*.

Although Officers Blanco and Chavez were tenured GED officers who had knowledge of the area, the Chief would have preferred that the officers had taken the opportunity to plan a more coordinated effort to approach the suspect and take him into custody.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, the officers' actions were not a deviation from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Code Six**

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the

dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

Note: *The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Blanco and Chavez did not advise CD of their Code Six location upon arrival to the area of the radio call. The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, multiple radio calls were generated within a two block radius and Officers Blanco and Chavez responded to the original radio call. The officers had knowledge that additional units were responding to the same location, and upon their arrival, they observed multiple units at various locations, including a Harbor Patrol Division supervisor. Moments after, Officers Blanco and Chavez located Rosales within the same area armed with a rifle, which required them to immediately tactically deploy from the vehicle.

Officers are required to balance officer safety considerations against the need to make a timely Code-Six broadcast. Officers must be afforded some discretion in determining the appropriate time to make their broadcast. Department tactical training allows for officer safety concerns to take precedence over making an immediate Code-Six broadcast.

The officers were faced with a rapidly unfolding situation and the UOFRB discussed their preference that the officers had placed themselves Code Six upon arriving in the area. The UOFRB also recognized that the Harbor and Southeast Divisions base frequency contained heavy radio traffic due to multiple radio calls and also that an inadvertent open microphone temporarily prevented additional broadcasts. The UOFRB noted that the incident rapidly escalated for the officers due to the actions of Rosales

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Blanco and Chavez' actions were a substantial deviation, with justification, from approved Department tactical training. The Chief directed that this topic be discussed during the Tactical Debrief.

- **Apprehension vs. Containment Mode/Pursuing Armed Suspects**

Apprehension versus Containment: *There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.*

During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.

When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident.*

Pursuing Armed Suspects: *When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers Blanco and Chavez engaged in a foot pursuit of a suspect armed with a rifle, in apprehension mode.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

It is the Chief's expectation that officers are decisive in their actions during a rapidly unfolding, life-threatening situation while taking into consideration police work is inherently dangerous.

In this case, Officers Blanco and Chavez were in apprehension mode of an armed suspect. The officers remained on the street and utilized the parked vehicles as cover as the suspect ran on the sidewalk. Officers Blanco and Chavez maintained a line of sight with one another and remained close enough to render immediate aid, if necessary. The UOFRB presentation contained detailed information obtained from the officers' walk-thru with Captain J. Mastick, Serial No. 32471, Commanding Officer, Harbor Patrol Division.¹⁸ Officer Blanco demonstrated his knowledge of the location and that area gang members typically utilized a shortcut behind the apartment building located just north of the OIS scene at 1033 West 253rd Street, to evade officers and flee the area.

The UOFRB also examined Officers Blanco and Chavez' decision to be in apprehension mode of an armed suspect and determined that it was vital for the officers to apprehend the suspect armed with an AR15 style rifle that was refusing to disarm himself. The UOFRB opined that the officers' perception of the criminal activity already conducted by Rosales at the location, presented a significant concern for the safety of the community, as well as for Officers Blanco and Chavez, in addition to the other officers at scene. The officers did not have the time to allow for Rosales to escape into the community armed with a high-powered rifle. The UOFRB noted that the public safety concerns of a violent suspect armed with a rifle, within an area in which many citizens reside, created an exigent circumstance that had to be quickly resolved.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Blanco and Chavez' actions were reasonable and their decision to pursue Rosales in apprehension mode was in the best interest of public safety and, therefore, was a substantial deviation, with justification, from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Utilization of Cover**

Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when

¹⁸ Supplemental Intradepartmental Correspondence, Los Angeles Police Department Form 15.02.00, completed by Captain Mastick to the Director, Office of Support Services, dated March 3, 2020, with the subject of: Walk Through Observations, FID No. 023-19.

there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (gun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2014).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9 May 2003).

Officers Blanco and Chavez engaged in a foot pursuit with only the benefit of cover from vehicles parked on one side of the street between them and Rosales as he ran on the sidewalk armed with a weapon system similar to an AR15 rifle.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officers Chavez and Blanco attempted to contain Rosales in an attempt to apprehend him as he fled on foot through a neighborhood armed with a rifle. Officers Chavez and Blanco utilized a singular row of parked vehicles for cover. The UOFRB would have preferred that the officers had utilized the opposite sidewalk which would have provided them an additional row of parked vehicles and increase the distance between Officers Chavez and Blanco and Rosales.

Based on the totality of the circumstances, the Chief supported the UOFRB's determination that in this particular circumstance, Officers Blanco and Chavez' actions were not a deviation from approved Department tactical training. The Chief directed that this topic be discussed during the Tactical Debrief.

- **Tactical Vehicle Deployment** (Substantial Deviation – Officers Ivan and Singh)

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

When stopping one or more suspect(s) using the police vehicle; position the patrol vehicle to maximize officer safety for both officers (Los Angeles Police Department Regular Basic Course, Tactics Lesson Plan, Pedestrian Stops, Pages 7-8, February 2003).

Officers Ivan and Singh utilized their police vehicle in an attempt to block the path of Rosales as he fled on foot from pursuing officers. The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officers Ivan and Singh placed themselves at a significant tactical disadvantage by positioning their police vehicle in close proximity, without cover, to the possibly armed suspect. Officer Ivan stated, *“Due to the fact of an active shooter - - shots in the area, hearing shots in the area, and that there's a shooter in the location ...and the possible ambush,”* he drew his service pistol from his holster while seated in his police vehicle.

The UOFRB considered the circumstances surrounding Ivan's vehicle deployment and positioning while confronting a suspect who was thought to be armed. Officer Ivan articulated that he believed that he was deploying on an active shooter. His decision to park his vehicle in close proximity to an armed suspect significantly increased the risk to both he and his partner and was not consistent with Department tactical training.

Officer Singh observed Rosales holding his left hand to his right waistband and opined that Rosales was still armed with a firearm. The position and angle of the police vehicle relative to Rosales' location reduced the officers' ability to react to Rosales' actions and reduced their ability to utilize the police vehicle as cover as Rosales was running toward them being pursued by other officers. The UOFRB was critical of the officers' decision and opined that the officers placed themselves at a significant tactical disadvantage, which posed an unnecessary risk to the officers.

Both the UOFRB and the Chief would have preferred that the officers displayed greater control of the police vehicle and had stopped further back from Rosales. Positioning the vehicle further back and at a more perpendicular angle would have afforded the officers additional time and distance to assess the rapidly unfolding tactical situation.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Ivan and Singh's tactical positioning of their police vehicle, adjacent to the suspect's position, was a substantial deviation, without justification, from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Profanity** – Officers Blanco, Vint, and Campos utilized while in foot pursuit and when handcuffing Rosales. The officers are reminded that the use of profanity may unnecessarily escalate the situation and is not in conformance with the Department's expectations of an officer's conduct. The Chief directed this be a topic of discussion during the Tactical Debrief.

- **Simultaneous Commands (Non-Conflicting)** – The investigation revealed that Officers Chavez and Blanco both gave Rosales simultaneous commands. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Drawing Service Pistol While Seated in Vehicle** – The investigation revealed that Officer Vint and Ivan both drew their service pistols while still seated in their separate police vehicles as they drove during the incident. Although the officers heard gunshots, the officers are reminded that drawing a service pistol while seated in a police vehicle can increase the chances of an unintentional discharge. The Chief directed this be a topic of discussion during the Tactical Debrief.
- **Running with Service Pistol** – The investigation revealed that during the incident, Officers Vint, Bryant, Portillo, Campos, Morales, Singh, and Chavez ran with their service pistols drawn. These officers were in the same area with each other. The officers are reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol. The Chief directed that this topic be discussed during the Tactical Debrief.
- **Crossfire** – The investigation revealed that Officers Chavez, Blanco, Munoz, Morales, and Campos allowed the muzzles of their service pistols to momentarily point in the direction of other officers, creating the potential for a crossfire situation. The officers are reminded of the importance of always being aware of their muzzle direction. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Stepping on Limbs** – The investigation revealed that after Rosales was placed in handcuffs he was laying on the ground in a supine position. As officers were waiting the arrival of a rescue ambulance Officer Portillo momentarily stepped on Rosales' foot. According to Officer Portillo, Rosales was acting aggressively and began moving his feet around. Officer Portillo intentionally stepped on Rosales' foot to prevent him from kicking officers. Officer Portillo is reminded that stepping on a suspect's limbs may result in injury to the suspect, or cause an officer to lose balance and fall. It may also give the perception of a lack of training by the officers to the general public. The Chief directed this be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously*

assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII, Issue 4, Command and Control, July 2018).

The senior officer, or any officer on-scene who has gained sufficient situational awareness, shall establish Command and Control and begin the process to develop a plan of action consistent with Department supervisory and tactical training.

Sergeant West arrived at scene and through his actions assumed the responsibility of the Incident Commander. He located and confirmed that Officers Blanco and Chavez had been involved in an OIS. Sergeant West directed Officers Blanco and Chavez to turn off their BWV and took custody of their BWV devices. Sergeant West then met with Sergeant Huett and coordinated the separation of both Officer Chavez and Officer Blanco. Sergeant West separated and monitored Officer Chavez while at scene. In addition, Sergeant West obtained a PSS from Officer Chavez. Sergeant West assessed the scene and current assigned roles, and then facilitated setting up the Command Post near the OIS. Sergeant West established the inner and outer perimeters at two separate locations, which provided for sufficient ingress and egress routes. Additionally, Sergeant West provided information and notifications to Lieutenant Loomis.

Sergeant Huett separated and monitored Officer Blanco at scene. In addition, Sergeant Huett obtained a PSS from Officer Blanco.

Sergeant Talmage ensured Rosales received medical attention and he was responsible for separating the officers involved in the NCUOF.

Detective H. Baemayr, Serial No. 26786, Harbor Detective Division identified ballistic evidence at the location of the OIS and perimeter and directed officers to secure those crime scenes.

The actions of Sergeants West, Huett, and Talmage, as well as Detective Baemayr, were consistent with Department supervisory training and the Chief's expectations of a field supervisor during a critical incident.

Lieutenant Loomis notified the Department Operations Center (DOC) of the Categorical Use of Force (CUOF) incident and made other appropriate notifications. Lieutenant Loomis arrived at the Command Post and relieved Sergeant West as the Incident Commander.

The actions of Lieutenant Loomis were consistent with Department supervisory training and the Chief's expectations of a watch commander during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Blanco, Chavez, Bryant, Campos, Portillo, and Vint's tactics did not substantially deviate from approved Department tactical training.

In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Ivan and Singh's actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although, it was determined that Officers Morales and Rodriguez were not substantially involved in this incident and did not receive formal findings, the UOFRB recommended, and the Chief concurred, that they would benefit from attending the Tactical Debrief to enhance future performance during similar incidents.

Therefore, the Chief directed Officers Blanco, Chavez, Bryant, Campos, Portillo, Vint, Ivan, Singh, Morales, and Rodriguez attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On June 6, 2019, Officers Chavez and Blanco attended a General Training Update. All mandatory topics were covered including background, tactical handgun manipulations/flashlight technique, and running with a firearm.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified”* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).
- According to Officer Blanco, as the officers approached the area of the shots fired radio call in their police vehicle, he observed Rosales on the north sidewalk of 253rd Street running east toward his location. Officer Blanco observed Rosales was holding a rifle in a port arms position with his right hand on the stock and his left hand near the barrel of the gun. Fearing that the situation may escalate, Officer Blanco exited his police vehicle and drew his service pistol.

Officer Blanco recalled, *“The suspect is on the north curb of 253rd coming eastbound, I would say about three to four car lengths in front of us, but he’s running - - with gun in hand, with a rifle in hand.”*¹⁹

*“...I unholstered my gun due to the fact that he was be - - behind cover, he had - - I’m all like, he already has a position of advantage on us. He has a - - he has a rifle, and he’s behind cover as - - as he’s moving.”*²⁰

- According to Officer Chavez, as the officers drove west on 253rd Street, he heard Officer Blanco state, *“Oh, there he is.”* Officer Chavez then observed Rosales walking eastbound on the north sidewalk armed with a rifle. Officer Chavez exited the police vehicle, drew his service pistol, and began giving Rosales verbal commands to, *“Stop, drop the gun.”*

Officer Chavez recalled, *“We conduct a westbound turn onto 253. When we get a little shy of midblock, we both see the suspect which matched the description of the suspect that the PR put out was wearing a blue and white striped shirt with the rifle in the hand, walking eastbound on the north sidewalk of 253. We - - or I immediately deploy out of the vehicle. I exit - - I draw my firearm. I start giving him commands. I*

¹⁹ Officer Blanco, Page 25, Line 11-16.

²⁰ Officer Blanco, Page 12, Lines 21-25.

*tell him to stop, drop the gun. At that point, he starts running. He continues running eastbound towards us on the sidewalk, but we're still on the street."*²¹

*"I could clearly see the rifle in his right hand. I saw him walking, and I saw it crossed his body. So he was holding it with - - on the - - on the, like, I think it was pistol grip. And just swinging it as he was casually walking down the street. So with the barrel down."*²²

- According to Officer Campos, he drew his service pistol at the location of the original radio call due to the comments of the radio call stating that there was a shooting at the location and his belief that a suspect may be at scene armed with a gun. Officer Campos cleared the location, looking for the suspect.

Officer Campos recalled, *"The comments of the radio call said that there was a shooting so definitely there's some - - possibly someone with a gun there. I unholstered to clear the back area to look for suspects."*²³

According to Officer Campos, he drew his service pistol a second time during the incident. Officer Campos heard that the Rosales was running northbound on Petroleum Avenue. Officer Campos observed Rosales running and reaching for his waistband. Officer Campos and other officers engaged in a foot pursuit of Rosales. Officer Campos unholstered his service pistol since he did not know if Rosales was still armed.

Officer Campos recalled, *"...the help call came out. I believe I heard something about suspect running northbound on Petroleum, something of that nature. As soon as I got out of the vehicle and I - - I saw the suspect as I was running towards him I unholstered... There were just shots being fired. Officer needs help. I don't know if this suspect potentially shot on of my fellow officers. He's reaching for his waistband. I don't know if he's still armed."*²⁴

- According to Officer Singh, he drew his service pistol twice during the incident. Due to the nature of the radio call being shots fired, Officer Singh initially drew his service pistol upon his arrival as he searched the area.

Officer Singh recalled, *"When we got to the original radio call for the shots fired. As we were searching the vehicles in front of the complex."*²⁵

²¹ Officer Chavez, Page 7, Lines 5-17.

²² Officer Chavez, Page 12, Lines 5-15.

²³ Officer Campos, Page 8, Lines 18-21.

²⁴ Officer Campos, Page 16, Lines 10-24.

²⁵ Officer Singh, Page 25, Lines 18-20.

According to Officer Singh, the second time he drew his service pistol was when he observed Rosales holding his waistband as he fled from the officers on foot. Officer Singh feared Rosales was armed and may fire at him and in response, Officer Singh drew his service pistol.

Officer Singh recalled, *"So the second time when I unholstered was when we saw the suspect running holding his waistband. I believe he was still armed at that point because of the way he was running. Because of the angle that we were at, I did unholster my weapon in case he did decide to fire at our weapon - - or fire at our vehicle. Once he ran past us, I was still unholstered."*²⁶

- According to Officer Ivan, due to the comments of the radio call being that shots had been fired and also from him hearing shots being fired in the area, Officer Ivan drew his service pistol while seated in the police vehicle and canvassing the area.

Officer Ivan recalled, *"As we're doing our canvas I - - I draw - - excuse me, yeah, so we're unholstered at this time. I unholster my weapon at this time. Due to the fact of an active shooter - - shots in the area, hearing shots in the area, and that there's a shooter in the location. It was dark. And the possible ambush from the night before. So I believed that all - - with all those - - with all that I had reasonable to believe - - reason to believe to draw my - - At this point that I should draw out my weapon in case there a possible ambush or in case the shooter does pop out and present himself to us - - him or herself to us."*²⁷

- According to Officer Portillo, he observed Rosales, who matched the description of the possible shooting suspect, *running* in his direction and away from officers who were pursuing him on foot. Fearing Rosales was going to shoot him, Officer Portillo exited his police vehicle and drew his service pistol.

Officer Portillo recalled, *"...because when I saw him, I - - and I thought he was approaching us, and he matched the suspect description. He matched, you know, as possible shooter. You know, I thought - - I thought in my head he was the shooter. So I thought that maybe, you know, he was running towards me to either shoot me or hurt me or hurt my partner."*²⁸

*"So when I saw - - I'm not exactly sure the exact moment when I unholstered the gun, but I remember when I got out of the car, I had the gun in my hand. But when he started running, I started running, I holstered back up in order so I could broadcast. When I started broadcasting or direction of travel and his description."*²⁹

²⁶ Officer Singh, Page 26, Lines 13-20.

²⁷ Officer Ivan, Page 13, Lines 15-23, and Page 14, Lines 4-7.

²⁸ Officer Portillo, Page 32, Lines 4-10.

²⁹ Officer Portillo, Page 31, Lines 14-20.

- According to Officer Bryant, he observed Rosales exit an alley and run northbound on Petroleum Avenue toward him on the east sidewalk. Based on the comments of the shots fired radio call and believing Rosales matched the description of the suspect, Officer Bryant drew his service pistol.

Officer Bryant recalled, *"I unholstered based on the comments of the call, based on the suspect coming out in front of us, suspect matching the description. That's why I drew out on the suspect. Once we started to run and I couldn't clearly see a weapon in his hand, that's when I re-holstered and continued to chase."*³⁰

- According to Officer Vint, Officer Bryant made contact with a family who was sitting on their balcony and asked them if they heard someone firing a gun. As Officer Bryant was speaking to the family from the police vehicle, Officers Bryant and Vint heard approximately eight to ten gunshots. After hearing the gunshots and while still seated in his police vehicle, Officer Vint drew his service pistol and had it down at his side.

Officer Vint recalled, *"It was actually when we heard the gunshots and we were on the corner. Because of how close it was, I unholstered and because I knew we were going to be right on top of it and - - and I had it down at my side down here ready to go."* When asked by FID investigators if Officer Vint had unholstered while he was still inside of the police vehicle, Officer Vint responded, "Yes."³¹

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Blanco and Chavez' Drawing/Exhibiting. The UOFRB noted that Officer Blanco and Chavez were faced with a rapidly unfolding situation during when they observed an ambulance shooting suspect armed with a rifle.

In addition, the UOFRB reviewed Officers Bryant, Vint, Ivan, Portillo, Singh, and Campos' drawing/exhibiting and noted that they all responded to the Ambulance Shooting radio call and subsequent Shots Fired, Officer Needs Help request. As they were responding, the officers observed Rosales fleeing the location on foot holding his waistband, a common tactic of armed suspects. It was reasonable for the officers to believe the situation may escalate to the use of deadly force based on Rosales' actions of possibly being involved in a shooting and potentially being armed. Officers were also advised by Officers Blanco and Chavez via radio transmission that the suspect was armed with a rifle.

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Blanco, Chavez, Bryant, Campos, Ivan, Portillo, Singh, and Vint, while faced with

³⁰ Officer Bryant, Page 39, Lines 17-22.

³¹ Officer Vint, Page 20, Lines 9-15-25, and Lines 19-20.

similar circumstances would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Blanco, Chavez, Bryant, Campos, Ivan, Portillo, Singh, and Vint's Drawing/Exhibiting to be In Policy, No Further Action.

Use of Force – General³²

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

(Los Angeles Police Department Manual, Volume 1, Section 556.10).

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

(Los Angeles Police Department Manual, Volume 1, Section 556.10).

³² Special Order No. 4, 2020 - Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

Non-Lethal Use of Force³³

- **Officer Bryant – Takedown and Body weight**

According to Officer Bryant, he observed Rosales exit an alley and run north on Petroleum Avenue. Officer Bryant gave Rosales several commands to stop and began to pursue Rosales on foot. When Rosales ignored his commands, Officer Bryant conducted a one-officer takedown and then placed his bodyweight on Rosales to control his movements.

Officer Bryant recalled, *“Then once I caught up to the suspect, I pushed him down to the ground, and then kind of went down with him but with my knees on - - on the concrete and kind of holding him down until Officer Portillo put handcuffs on his left arm. And then that’s when me and my partner grabbed for his right arm and brung [sic] it in front and put him in - - put him in custody with the - - with the second pair of handcuffs.”*³⁴

- **Officer Campos – Body weight**

According to Officer Campos, he observed Rosales running from a group of officers. Rosales then ended up on the ground and Officer Campos assisted by placing his bodyweight on Rosales to control his movements.

Officer Campos recalled, *“And I utilized body weight on the suspect to control him while he’s being taken into custody.”*³⁵

- **Officer Singh – Firm Grip**

According to Officer Singh, he observed Rosales run past his police vehicle. Officer Singh then exited his vehicle and once he approached the area, he observed Rosales on the ground with officers attempting to handcuff him. Officer Singh assisted the officers by utilizing a firm grip on Rosales’ left arm to help control his movements.

Officer Singh recalled, *“Once the vehicle stopped, he was - - the suspect had already run past us. We got out of the vehicle. By the time I got close to him, he was already on the ground. I helped detain him. I grabbed his left arm. And I assisted while they were trying to cuff him.”*³⁶

³³ Los Angeles Police Department Manual, Volume 1, Section 556.10.

³⁴ Officer Bryant, Page 9, Lines 8-15.

³⁵ Officer Campos, Page 7, Lines 22-23.

³⁶ Officer Singh, Page 7, Lines 21-25.

- **Officer Ivan – Body weight**

According to Officer Ivan, he observed Rosales running from a group of officers. Rosales then ended up on the ground and Officer Ivan assisted by placing his body weight on Rosales to control his movements as other officers handcuffed Rosales.

Officer Ivan recalled, *“And I utilized body weight on the suspect to control him while he's being taken into custody.”³⁷ With my hands on his legs, and as we were going down I maintained the - - my body weight to use - - to use the ground as a controlling agent and just have - - keep the suspect's legs down while the other officers are putting handcuffs.”³⁸*

- **Officer Portillo – Body weight**

According to Officer Portillo, while he was in his police vehicle, he observed Rosales running in his direction, northbound on Petroleum Avenue, being pursued on foot by officers. Officer Portillo exited his police vehicle and began to pursue Rosales on foot and broadcast his location. Officer Portillo then observed Rosales prone out on the ground and assisted the other officers in taking him into custody by placing his left knee on Rosales' right shoulder and his left hand on Rosales' left shoulder to control his movements.

Officer Portillo recalled, *“At some point, suspect goes down on the ground. I advised Communications that we were Code 6 on him. And we - - I approached them. I put - - at first it was just one knee. It was my left knee on top of his right shoulder. And it was going - - my right - - my left hand on top of his left shoulder because I did observe while I was approaching him he was kind of, like, moving around. So I just wanted to have - - to kind of control him to stop moving around, so have the officers be able to take him into custody.”³⁹*

- **Officer Vint – Firm Grip and Physical Force**

According to Officer Vint, he observed Rosales run out of an alley and fall to the ground. Officer Vint observed Rosales get up and run northbound on Petroleum Avenue on the east sidewalk. Officer Vint utilized parked cars as cover as he paralleled Rosales from the street until he observed a police vehicle traveling southbound on Petroleum Avenue approach and position their vehicle in Rosales' path. Officer Vint then went around the police vehicle and observed officers had Rosales detained on the ground and were struggling to handcuff his arms. Officer Vint approached and utilized a firm grip on Rosales' right arm and physical force to

³⁷ Officer Campos, Page 7, Lines 22-23.

³⁸ Officer Ivan, Page 24, Lines 10-17.

³⁹ Officer Portillo, Page 10, Lines 7-16.

pull Rosales' right arm out from under his body so officers could complete the handcuffing.

Officer Vint recalled, *"By the time I had ran around their shop, I had seen my partner and a couple of other officers had had him detained on the ground. He wasn't handcuffed yet but he was - - he was down, and they were trying to get him in custody. So as they're doing that, I was just sort of standing by to make sure no one, you know, needed any help anywhere. I saw that they already had the handcuff on his left hand. He was face down, the suspect was. And so my partner had his right hand, but the suspect's right hand was still under his stomach. I - - my partner looked like he was having a hard time getting it out, so I grabbed the suspect's right hand and helped my partner pull it out from underneath him, move it to his back, and we got handcuffs on."*⁴⁰

The UOFRB reviewed each application of non-lethal force utilized by Officers Bryant, Campos, Ivan, Portillo, Singh, and Vint. Rosales escalated the incident by fleeing on foot from the officers and refusing to submit to arrest. Throughout the incident, the officers verbalized with Rosales who subsequently physically resisted the officers' attempts to detain him. All officers used a minimum level of force to overcome Rosales's physical resistance and handcuff him.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Bryant, Campos, Ivan, Portillo, Singh, and Vint, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Rosales' resistance.

Therefore, the Chief found Officers Bryant, Campos, Ivan, Portillo, Singh, and Vint's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.*

⁴⁰ Officer Vint, Page 11, Lines 7-21.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Note: Both Officers Chavez and Blanco advised FID investigators that they believed they each had fired in three separate sequences of fire. Although the officers' BWV captured the OIS, due to the low light conditions, blurred imagery from the officers' movement, the backlighting from the illumination of the officers' flashlights, and the speed at which the multiple simultaneous rounds were fired from two officers, the FID investigators had difficulty distinguishing the officers' sequences of fire. The total time lapse of the entire OIS was approximately four seconds between the first and last rounds fired by both officers.

- **Officer Blanco** – 9mm, eight rounds in a northerly direction, in three sequences of fire, from an increasing distance of 34-47 feet.

Volley One: According to Officer Blanco, he observed Rosales running eastbound on the sidewalk armed with a rifle. Officer Blanco gave Rosales commands to, “*drop it, drop it.*” Rosales ignored the commands and as he continued to run east on 253rd Street, he turned his head in the direction of the officers as he pointed the rifle at Officer Blanco. Fearing Rosales was going to shoot him, Officer Blanco attempted to maintain a line of sight on Rosales as he paralleled him east at a *fast pace* and simultaneously fired two rounds from his service pistol to stop the lethal threat.

Officer Blanco recalled, “*And he's still facing eastbound as - - as his head is looking - - now he's running eastbound as his head is turning southbound towards our direction as he's pointing the gun at us.*”⁴¹

“*I just said to myself, “This is it.” I'm all like, he has a higher caliber weapon than I do. I'm like, all I wanted to do is just go back home to my kids.*”⁴²

“*...Still on the sidewalk. And he has just passed our black and white. And as he's passing our black-and-white, he's looking in our direction, trying to acquire a target...as he's looking back, he's turning the gun towards our direction. And that's when I'm telling him, “Hey, drop it, drop it.” And that's when the shooting occurred.*”⁴³

“*So as he's still moving eastbound, I start moving eastbound trying to parallel to try to gain a better position, because I don't want to lose sight of him. And as I'm telling*

⁴¹ Officer Blanco, Page 29, Lines 9-12.

⁴² Officer Blanco, Page 42, Lines 3-7.

⁴³ Officer Blanco, Page 27, Lines 11-14 and 17-20.

*him to drop the gun, the suspect then points the rifle at - - at me. And then that's when the OIS occurred."*⁴⁴

Volley Two: According to Officer Blanco, he assessed and observed his first rounds did not stop Rosales' actions. Officer Blanco observed Rosales continued to run east on the sidewalk while pointed the rifle at the officers. Officer Blanco ran a little bit to try to reacquire Rosales' position from behind the car and observed Rosales point the rifle at him again which prompted Officer Blanco to fire two to three additional rounds from his service pistol at Rosales to stop the lethal threat.

Officer Blanco recalled, *"As he continues to move mind [sic] cover, behind a vehicle, I move - - I reposition myself to try to gain sight of - - of him. And he's still looking - - looking towards our direction, trying to point the - - the rifle. That's when I fire another volley."*⁴⁵

Volley Three: According to Officer Blanco, he assessed and observed Rosales continued to flee on foot. Officer Blanco lost sight of Rosales behind the parked vehicles and continued to move east in the street to see Rosales' actions. Officer Blanco observed Rosales turn once again and point the rifle at the officers which prompted Officer Blanco to fire two to three rounds from his service pistol at Rosales to stop the lethal threat. Officer Blanco observed Rosales fall to the ground, got back to his feet and continued to flee north in the alley still armed with the rifle. Officer Blanco observed Rosales look back over his right shoulder and point the rifle back towards the officers as he fled on foot.

Officer Blanco recalled, *"And as the OIS is occurring, the suspect is still moving behind cover, so I lose sight a little bit of him. So I keep moving eastbound with him as my partner is right, like, a couple steps away from me, moving eastbound as well. As we're moving, the suspect continues to point the gun at me, and then he goes down as we're still - - as I'm shooting."*⁴⁶

*The suspect is still pointing the rifle in my direction. And I fire an additional two - - two or three rounds. And that's when I see the suspect go down. The suspect goes down. I don't know if he's hit because when he goes down, he hits the floor and gets back up like if nothing had happened. He gets back up. The rifle is still in hand. And as he's going, he's still trying - - he's still going eastbound, and then that's when he takes the - - starts going northbound through the parking lot, but as he's going northbound, he's still trying to point the rifle in our - - in our direction, or my direction."*⁴⁷

⁴⁴ Officer Blanco, Page 12, Line 25, and Page 13, Lines 1-6.

⁴⁵ Officer Blanco, Page 31, Lines 19-23.

⁴⁶ Officer Blanco, Page 13, Lines 6-13.

⁴⁷ Officer Blanco, Page 34, Lines 8-20.

- **Officer Chavez** – 9mm, eleven rounds in a southeasterly direction, in two sequences of fire, from an increasing distance of 18 to 28 feet.

Volley One: According to Officer Chavez, he observed Rosales began to run in his direction armed with the rifle while he continued to give him commands to stop. Rosales ignored the commands and continued running eastbound on the sidewalk. As Rosales ran past Officer Chavez, he observed Rosales look back towards him and with his right arm extended out, Rosales pointed the rifle at Officer Chavez. In fear that Rosales was going to shoot him, Officer Chavez fired seven rounds from his service pistol at Rosales to stop the lethal threat.

Officer Chavez recalled, *"And eventually, he passes us as he's running east, and we're still running east as well. And as he's going past us, he points the rifle at us. And at that point, I begin firing my weapon."*⁴⁸

*"It was down by his side - - until he passed us - - on the sidewalk. And he would look backwards at us, or at least in my direction. And at the same time, he would lift the rifle with one hand behind him, you know, and point it in our direction. Yeah...Just pointing it in our direction as he's kind of like running on the oblique - - to the left, and the rifle with one hand pointed behind him."*⁴⁹

*"The first time I realize that he had pointed the rifle at me, I had a clear unobstructed view of it - - because he was between two parked cars. I had a pretty good view of it. And then so there was cars parked on - - along the curb. All up and down the street. So, and then as he was running along the sidewalk, I could still see him through the car windows. Still with running and continuing to point the gun in our direction."*⁵⁰

Volley Two: According to Officer Chavez, as he paralleled Rosales from the street, he observed Rosales continued to flee eastbound on the sidewalk into the mouth of an alley. Officer Chavez gave Rosales verbal commands to stop and drop his gun and then observed Rosales turn back in his direction and raise the barrel of the rifle up and point it at him. Fearing he was about to be shot, Officer Chavez fired an additional four rounds from his service pistol at Rosales to stop the lethal threat.

Officer Chavez recalled, *"And the whole time, the suspect is running eastbound, and I'm running eastbound, the whole time we're telling him, 'Stop. Drop it. Stop, stop, stop.'" And he's just ignoring our commands. He's continuing to run. Eventually, he gets to a driveway on the north side of 253 just west of Petroleum. He - - he continues to go northbound through that driveway. At that point, he looks in my direction and I see his barrel come up again. I fire a few more rounds from that*

⁴⁸ Officer Chavez, Page 7, Lines 18-21.

⁴⁹ Officer Chavez, Page 13, Lines 19-24, and Page 14, Lines 1-10.

⁵⁰ Officer Chavez, Page 14, Lines 21-25, and Page 15, Lines 2-12.

position. At that point, I was kind of like - - kind of like at the mouth of the driveway, like from - - on the street, gutter area, I guess would be a good description.”⁵¹

“At - - in the driveway, I - - all I see is that barrel coming up. Just like all I - - all I saw was a rifle and just he was - - he was bringing the rifle, the, you know, the barrel of the rifle upwards and pointing it at me.”⁵²

“I remember him looking back at me at one point to - - in my mind, it was acquiring a target. And once he knew kind of where I was, that’s when I saw the - - the barrel of the rifle come up behind, or in front of him and pointed back towards me.”⁵³

“So it was more of a continuous just he’s still running, I’m still running with him, and I see that my shots are being ineffective, so I - - I keep shooting trying to stop him. It wasn’t until I get to the - - to the mouth - - I want to say mouth of the alley, but it’s the mouth of the driveway - - that I stop and fire I think three or four rounds.”⁵⁴

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of both officers’ use of lethal force. The UOFRB noted that this was a dynamic and rapidly unfolding incident where the suspect pointed a rifle at the officers causing Officers Blanco and Chavez to fear for their lives. Both officers were forced to make a split-second decision to protect themselves and nearby citizens from the deadly threat. Specifically, the UOFRB noted that the incident was a stressful situation wherein the officers identified the suspect’s weapon as an AR-15 style rifle capable of firing numerous rounds and with superior firepower to the officers’ service pistols.

According to both Officer Blanco and Chavez, Rosales pointed the rifle at them throughout the incident, prompting them to discharge their service pistols to protect their lives.

The UOFRB noted that Rosales ran from the officers while holding onto the rifle. The FID investigators presented that Rosales maintained possession of the rifle for approximately 159 feet before he discarded it over the chain link fence. Rosales had ample opportunity to disarm himself and surrender to the officers.

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Blanco and Chavez, would reasonably believe that Rosales’ actions presented an

⁵¹ Officer Chavez, Page 7, Lines 18-25, and Page 8, Lines 1-9.

⁵² Officer Chavez, Page 17, Lines 16-23.

⁵³ Officer Chavez, Page 22, Lines 19-23.

⁵⁴ Officer Chavez, Page 16, Lines 7-17.

imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officers Blanco and Chavez' Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

- **BWV Activation** – The investigation revealed that Officer Singh had a late BWV activation. Officer Singh had powered down his BWV while conducting administrative duties and initially forgot to power the BWV device back on as he responded to an Officer Needs Help request. This issue was brought to the attention of Captain Mastick, who advised that a six-month audit of Officer Singh's work history was conducted in relation to BWV activations. There were no deviations in BWV policy noted for Officer Singh. Captain Mastick addressed this issue through informal counseling, as well as with the generation of a Supervisory Action Item (SAI). The Commanding Officer of Operations - South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Jackson had a late BWV activation. Officer Jackson articulated that she had powered down her BWV while conducting administrative duties and initially forgot to power the BWV device back on while in the field. Officer Jackson activated her BWV while en route to the initial radio call. This issue was brought to the attention of Captain Mastick, who advised that a six-month audit of Officer Jackson's work history was conducted in relation to BWV activations. There was one prior deviation in BWV policy noted for Officer Jackson. Captain Mastick addressed this issue through divisional training, as well as the generation of a SAI. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Sergeant West turned off his BWV prior to his arrival to the OIS. Sergeant West stated that believed he would be conducting supervisory actions which did not require the activation of his BWV. This issue was brought to the attention of Captain Mastick, who advised that a six-month audit of Sergeant West's work history was conducted in relation to BWV activations. There were no deviations in BWV policy noted for Sergeant West. Captain Mastick advised that this issue was addressed through informal counseling and the generation of a SAI. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Required Equipment** – The investigation revealed that Officer Blanco was not in possession of his Oleoresin Capsicum (OC) spray or baton at the time of this incident. Officer Blanco is to be reminded to have all his required equipment on his person when conducting field duties. Captain Mastic advised that this issue was

addressed with Officer Blanco through divisional training, the issuance of a Comment Card, and the generation of a SAI. The Commanding Officer of OSB and the Director of the OO concurred with this action. In addition, the Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Separation** – The investigation revealed that Officers Morales and Rodriguez separated momentarily upon arrival to the ambulance shooting radio call. Video evidence revealed that Officer Morales exited the police vehicle and Officer Rodriguez drove approximately eight to ten car lengths forward before stopping and exiting the police vehicle. Captain Mastick advised this issue was addressed with Officer Morales through informal counseling and the generation of a SAI.⁵⁵ The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **DICVS Activation** – The investigation revealed that Sergeant West turned off his DICVS prior to his arrival to the OIS. Sergeant West stated that believed he would be conducting supervisory actions which did not require the activation of his DICVS. Captain Mastick advised that this issue was addressed through informal counseling and the generation of a SAI. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Body Worn Video (BWV)** - Harbor Division Patrol and GED personnel were equipped with BWV at the time of the incident. Officers Chavez and Blanco's BWV captured Rosales' actions and the subsequent OIS. Due to the quality of the images and video capability given the low lighting conditions, the movements of Rosales are not visible in their entirety.

Officers Campos, Singh, Ivan, Portillo, Bryant, and Vint's BWVs captured portions of the Non-Lethal Use of Force. Due to poor lighting conditions, the images were dark.

- **Digital In-Car Video System (DICVS)** – Harbor Patrol Division and Harbor Area GED vehicles were equipped with DICVS at the time of the OIS. Some of the vehicles captured the sound of gunfire; however, none of the vehicles captured visual images of the OIS.

Officers Rodriguez, Morales, Bryant, and Vint's DICVS captured the audio of gunfire.

- **Outside Video** – None located.

⁵⁵ Officer Rodriguez has since separated from the Department; thus no SAI was generated. Officer Rodriguez' separation from the Department was not related to this incident.

INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-escalation

- The OIG concurs with the Chief's analysis.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.
- The Chief found that Officers Ivan and Singh's tactical positioning of the police vehicle, adjacent to Rosales's position, was a substantial deviation, without justification, from approved Department tactical training.

During this incident, Officer Ivan was the driver of the police vehicle, and Officer Singh was the passenger. In describing when he first saw Rosales, Officer Ivan told FID, *"So I make that southbound turn. And I - - we're canvassing and we're canvassing. I - - my partner yelling at me, hey, that's him, that's him. So I see him, and I drive towards the - - the suspect."*⁵⁶ Officer Ivan continued, *"In the distance you could see the other officers coming towards him. I hear them yelling things at him. Then I see him running past my - - so anyway, so I see him coming towards my direction, that's going to be northbound. I'm going southbound. So he's coming towards my direction. I see the suspect, the male Hispanic."*⁵⁷ Officer Ivan was not

⁵⁶ Officer Ivan's statement, Page 15, Lines 8-11.

⁵⁷ Officer Ivan's statement, Page 15, Lines 19-24.

questioned further about the positioning of his police vehicle, and his interview did not elucidate his intent with respect to the manner in which he deployed the vehicle.

Officer Singh told FID of his belief that he and Officer Ivan had pulled their police vehicle into the suspect's path of escape. Officer Singh stated, *"When we saw him, he was running holding his waistband. We used our patrol vehicle to - - I believe my - - or I believe we were trying to put our vehicle close enough to stop his pathway from running any further. Once the vehicle stopped, he was - - the suspect had already run past us."*⁵⁸

FID asked Officer Singh, *"You indicated that you believed your partner was using the vehicle to kind of prevent the suspect from running further?"* Officer Singh replied, *"Correct."* Officer Singh was asked why he believed that, and he answered, *"Just because of the angle that the vehicle was at from the position he was running. I'm - - from what I think, that's what he [Officer Ivan] was trying to do."* Officer Singh was asked whether he thought that this was an approved tactic. He responded, *"No. Well, given that situation, I think we'd be okay. Trying to stop the suspect from running from the officer's chasing him, but if I had to do it a different way, I probably would have pulled it over to the side."*⁵⁹

The OIG noted that, irrespective of Officer Ivan's intention when he drove the police vehicle into a position close to the path of the oncoming Rosales, his actions placed him and his partner at a significant tactical disadvantage. Additionally, there is no evidence to indicate that Officer Singh communicated with his partner regarding their approach in the vehicle or otherwise took steps to ensure that their approach to the situation was conducted in a tactically sound fashion. Accordingly, the OIG concurs with the Chief's finding of Administrative Disapproval for Officers Ivan and Singh's tactics.

- In its review of the foot pursuit tactics employed during this incident, the OIG considered the fact that Rosales ran into a driveway within seconds of the OIS occurring. Officers Blanco and Chavez did not continue to follow Rosales as he fled into the driveway and subsequently went eastbound toward Petroleum Street. Rather, the officers' actions during this portion of the pursuit were consistent with actions taken in containment (as opposed to apprehension) mode. When Rosales emerged onto Petroleum Street, he was no longer holding a weapon. Additional officers assisted in pursuing and apprehending Rosales at that point. Accordingly, the OIG concurs with the Chief's conclusion that the foot pursuit tactics employed during this incident did not represent an unjustified and substantial deviation from approved Department tactical training.

⁵⁸ Officer Singh's statement, Page 7, Lines 16-20.

⁵⁹ Officer Singh's statement, Page 16, Line 7 to Page 17, Line 4.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Non-Lethal Use of Force

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "M. P. Smith". The signature is fluid and cursive, with the first name "M." and last name "Smith" clearly distinguishable.

Mark P. Smith
Inspector General